



## **Change of Approval Terms and Exemptions**

### **Usual fostering limit**

Schedule 7 of The Children Act 1989 limits the number of children who may be placed with a Foster Carer. The 'usual fostering limit' is 3 and no carer can foster more than 3 children unless:

- The children are all siblings in relation to each other, or
- The local authority (in whose area the carer lives) has made an exemption for that carer which relates to named children

### **Granting an exemption**

A local authority cannot grant an exemption to a Foster Carer living outside of its area. For example, if a carer was approved in Norfolk but is living in Suffolk, the Decision Maker in Suffolk would have to be contacted to request an exemption.

The following need to be taken into account when considering an exemption:

- The number, ages and circumstances of all the children in the household
- The arrangements for the care and accommodation of the children
- The 'intended and likely relationship' between the carer and the fostered children
- The timescale of the placement
- The Foster Carer's capacity to provide sufficient care to all the children in the placement
- The need to safeguard and promote the welfare of fostered children and any other children (including the carer's own) who live in the home.

Carers must be informed in writing when an exemption is granted, the children placed must be named and any conditions recorded. The carer's approval terms must also be changed, to reflect the children currently living in the fostering household. This requires each child in placement to be named under the carer's approval terms. Although an exemption is not required if all of the looked after children in the placement are related, the carer's approval terms will still need to be changed. Exemptions can only be made with the consent of the Foster Carer concerned.

**Exemptions only relate to the number of children in a placement over the 'usual fostering limit' of 3 and should not be used for changing any other terms of approval.**

## **Reasons why an exemption would be considered**

Exemptions should only be considered in exceptional circumstances, such as:

- The child concerned was previously placed with the Foster Carer, for whom an exemption is being sought, and his/her placement has disrupted;
- The Foster Carers have special skills to meet the child's needs and these are not available in any other placement;
- The placement is the most appropriate way of meeting the child's needs arising from disability, race, faith, language and/or culture;
- The placement will keep siblings together.

## **Applying for an exemption**

### **Planned exemptions**

The need for an exemption will be highlighted when the agency is looking for a suitable placement for a child or children and a specific Foster Carer is identified as being the most appropriate option. A request for an exemption should initially be discussed and agreed with the Foster Carer's Placement Manager.

The social worker/s of any other child currently in placement should be contacted to discuss the potential impact should another child be placed.

Applications for planned exemptions must be made in writing, supported by reasons for the request and giving details of any additional support required and how this will be provided. The request should be forwarded to the relevant local authority (i.e. the LA where the carer is resident).

The decision of whether or not to grant an exemption must be recorded, together with the reasons given by the Decision Maker. Any exemption will be specific to a child or children and may be subject to conditions, such as a time limit after which the exemption should be reviewed. The carer's terms of approval must also be changed to reflect the looked after children living in the fostering household.

Any exemptions or changes to a carer's approval terms made by the Decision Maker should be reported to the Fostering Panel for information only.

### **Emergency exemptions**

Depending on the local authority involved there should be arrangements in place for a duty manager to agree an exemption. The local authority must follow LA procedures to apply for an exemption, even if the placement is needed in an emergency.

A decision to grant an exemption, either planned or in an emergency, must be confirmed in writing and copies of the decision, together with the reasons, placed on the Foster Carer's file. A copy should also be sent to the Foster Carer.

## Review and monitoring exemptions

The Registered Manager will be responsible for monitoring exemptions and ensuring that a record is made of any changes, for example, the number of children living in the placement no longer exceeding the 'usual fostering limit' of 3 children. If this is the case the carer's approval terms will need to be changed and this should be communicated in writing to all those involved.

## Change of approval terms

**There can be no temporary changes to approval terms and any further changes must follow a set process. However, there can be a variation of approval terms for up to 6 working days only.**

A looked after child can be placed, in an emergency, with any approved carer regardless of their terms of approval, for up to 6 working days. During that time, if it is considered to be in the best interests of the child to remain with the carer, the carers terms of approval can be changed to cover the number of children (up to the 'usual fostering limit' of 3), the age of any children placed, the gender or type of placement.

If time allows, this request can be brought to a Fostering Panel, but the decision to change a carer's terms of approval can be made by the Decision Maker. Even if an exemption has been granted because the number of children in placement exceeds the maximum of 3, the terms of approval will also need to be changed to name the children in placement. A carer's terms of approval must always be consistent with the number of children in placement.

If a carer's terms of approval need to be changed at short notice a request can be made to the Decision Maker. The following information should be provided:

- Signed consent from the Foster Carer to a change of approval terms
- A brief assessment of any additional support needs that may be required due to changing the approval terms
- A support plan for any additional support needs identified
- A copy of the carers most recent fostering household review

Should all of the above be available and satisfactory, the Decision Maker can change the terms of approval with immediate effect as, in these circumstances, the decision is not a 'qualifying determination'. If the Foster Carer is not in agreement with a change of approval terms, for example, if the number of children who can be placed is reduced, this is a 'qualifying determination' and the carer has 28 days to appeal using the agency's procedures or by contacting the Independent Review Mechanism.

## Connected Policies or guidance

Name of policy / Guidance	Relevant for
Record Keeping and Confidentiality policy	All staff and Foster Carers
Placement with Foster Carers	Foster Carers, Placement Managers
Foster Carer Handbook	Foster Carers, Placement Managers

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